IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 31462 of 2007(U)

AGAINST THE ORDER IN EP 99/2005 IN OS.170/2003 OF SUB COURT,KOCHI.

.....

PETITIONER:

MARGRET.V.PARAKKAL
W/O. SURESH JOSE, WORKING AS TEACHER,
MARY MATHA ENGLISH MEDIUM HIGH SCHOOL,
THRIKKAKARA.

BY ADV. SRI.MATHEW ABRAHAM.

RESPONDENT:

LITTLE FLOWER KURIES (PVT) LTD.,
A COMPANY REGISTERED UNDER COMPANIES ACT
1956 HAVING ITS REGISTERED OFFICE AT FORT KOCHI.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

==========

W.P.(C) No.31462 OF 2007

==========

Dated this the 23rd day of October 2007

JUDGMENT

This writ petition is filed by the first judgment debtor in E.P.No.99 of 2005 in O.S.No.170 of 2003 of the Prl.Sub Court, Kochi. It is seen from Ext.P3 order that the court had directed to attach the salary at the rate of Rs.1,200/-, Rs.2,500/- and Rs,2,000/- respectively from the salary of judgment debtors 1 to 3 for a period of 24 months. Learned counsel for the petitioner submits that during the previous months, the petitioner had paid a sum of Rs.10,000/- and she is prepared to pay at the rate of Rs.7,500/- per month. The total attachment amount comes to only Rs.5,700/-. As far as the decree holder is concerned, it is a better offer.

Therefore, I direct the court below to consider the said submission of the writ petitioner, after hearing the decree holder as well and pass an order accordingly with some default clause. Till such a decision is taken, the court below is directed to defer the recovery by attachment of salary of

the judgment debtors.

With the above direction, writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-